

SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL

FEBRUARY 7, 2011

KENDALL-DEAN SCHOOL AUDITORIUM

7:00 P.M.

The meeting began at 7:00 P.M. with the prayer and the pledge to the flag. Council members present were Ms. Alves, Mrs. Charest, Mr. McGee, Mr. Zwolenski and Mr. Yazbak. Town Administrator Hamilton and Town Solicitor Nadeau were also in attendance.

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PRESENTATION OF CITATION

On behalf of the Council, Mr. Yazbak presented a citation to Kayla Kiernan, a member of the high school girls hockey team who set the state's all time record for number of goals scored and on the same night netted her 100th goal.

PAYMENT OF BILLS

Cote Landscape

MOTION by Mrs. Charest, seconded by Ms. Alves, and voted unanimously on an aye vote to approve payment to Cote Landscape for snow removal for December in the amount of \$1,235.00 and for January in the amount of \$1,170.00 for a total of \$2,405.00

Sewer Project Pay Request

MOTION by Ms. Alves, seconded by Mrs. Charest, and voted

unanimously on an aye vote to approve payment of \$951.93 to James J. Geremia and Associates for engineering services rendered in connection with Amendment Nos. 1 and 2 to Comprehensive Wastewater Management Facilities Plan SCADA System/Radio Path Survey based upon the recommendation of the Sewer Commission.

PUBLIC HEARING RE: REZONING OF PROPERTY LOCATED ON VICTORY HIGHWAY – NORTH PINE RESIDENCES, LLC AND DAS CONTRACTING CORPORATION

Richard Kirby, attorney for the petitioners, said an issue has been raised regarding Silver Pines Phase II as to the appropriate recording of a plan. The engineer for the project recently passed away and Mr. Kirby has learned that the company is in receivership and he has been unable to obtain the file to see what document was recorded. Until he is able to determine if there are any restrictions or impediments to developing adjacent parcels, Mr. Kirby is at a standstill and requested the hearing be continued to March 7, 2011.

MOTION by Mrs. Charest, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to continue the public hearing to March 7, 2011 at 7:00 P.M.

CHANGE ORDER FOR JOHNSON CONTROLS, INC. PROJECT

MOTION by Mrs. Charest, seconded by Ms. Alves, and voted unanimously on an aye vote to approve a change order for Johnson Controls, Inc. for the net amount of \$473.00 to replace a backflow

preventor and two shut valves based upon a Planning memo and a recommendation from the Town Planner.

MOTION by Mrs. Charest, seconded by Mr. McGee, and voted unanimously on an aye vote to approve payment of \$2,135.65 on an emergency basis to Advanced Comfort Systems, Inc. for replacement of an expansion tank for a newly installed boiler at the Municipal Annex.

PERFORMANCE CONTRACT OVERSITE AMENDMENT TO AGREEMENT

MOTION by Mrs. Charest, seconded by Mr. McGee, and voted unanimously on an aye vote to approve an added consulting fee of \$600.00 to Wilkinson Associates Inc. as explained and recommended by the Town Planner.

Funding will come from a \$103,000 grant from the state for energy conservation.

MOTION by Mrs. Charest, seconded by Ms. Alves, and voted unanimously on an aye vote to authorize the Town Administrator to enter into the agreement and to execute the document.

PROPOSAL FOR ENERGY SAVINGS CONSULTING ENGINEERING SERVICES (TOWN)

MOTION by Ms. Alves, seconded by Mrs. Charest, and voted

unanimously on an aye vote to retain Wilkinson Associates Inc. for consulting engineering services on the town side in an amount of \$2,850.00 to be paid for from the \$103,000 ARRA energy grant based upon the recommendation of the Town Planner.

MOTION by Mrs. Charest, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to authorize the Town Administrator to enter into the agreement and execute the document.

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PROPOSAL FOR ENERGY SAVINGS CONSULTING ENGINEERING SERVICES (SCHOOL)

MOTION by Mrs. Charest, seconded by Ms. Alves, and voted unanimously on an aye vote to retain Wilkinson Associates Inc. for consulting engineering services on the school side in an amount of \$3,500.00 to be paid for from the \$103,000 ARRA energy grant based upon the recommendation of the Town Planner.

MOTION by Mrs. Charest, seconded by Ms. Alves, and voted unanimously on an aye vote to authorize the Town Administrator to enter into the agreement and execute the document.

STOP AND SHOP FUEL ISLAND SEWER CONNECTION

MOTION by Mrs. Charest, seconded by Ms. Alves, and voted

unanimously on an aye vote to receive and place this on file.

SEWER CONNECTION EXTENSION FOR 11 COUNTRY WAY

MOTION by Mrs. Charest, seconded by Ms. Alves, and voted unanimously on an aye vote to receive and place this on file.

SEWER CONNECTION EXTENSION FOR ST. PAUL'S SCHOOL

MOTION by Mrs. Charest, seconded by Ms. Alves, and voted unanimously on an aye vote to receive and place this on file.

SEWER COMMISSION MINUTES

MOTION by Mrs. Charest, seconded by Ms. Alves, and voted unanimously on an aye vote to receive and place on file the minutes of December 15, 2010.

SEWER PROJECT

Mr. Zwolenski has received phone calls from numerous people who are interested in speaking to this Council. They are concerned with the costs such as road overlay and police details and would like to see some relief for those users in Phases IA and IB.

Mr. Zwolenski spoke specifically about police detail costs that amounted to \$15,025.00 that were really associated with Phases II and III and yet are being assessed to the Phase I users.

Mrs. Hamilton said the \$15,025.00 could be amortized over the life of

the bond which is twenty years and the cost distributed amongst all taxpayers.

MOTION by Mr. Zwolenski and seconded by Mr. McGee to have the Administrator take the \$15,000.00 off the sewer bill of the users in Phases IA and IB and to use operating funds instead of bonded indebtedness.

Mr. Nadeau felt the Council would have to vote on reducing the assessment also.

Mr. Zwolenski amended his MOTION to include reduction of the assessment by \$70.00 for each user. Mr. McGee amended his second.

Roll call on the amendment: Ms. Alves - yes; Mrs. Charest – yes; Mr. McGee – yes; Mr. Zwolenski – yes; and Mr. Yazbak – yes. The motion carried 5 to 0.

Roll call on the amended motion: Ms. Alves – yes; Mrs. Charest – yes; Mr. McGee – yes; Mr. Zwolenski – yes; and Mr. Yazbak – yes. The motion carried 5 to 0.

Robert Thurber of 20 Brian Avenue, a member of the Right Sewers group, gave a brief history of the project. He stated his group became involved when there was a miscalculation of Equivalent

Dwelling Units (EDU) based on a build-out of the Branch Village area. Right Sewers did not feel that any of the new users should be responsible for payment of asphalt overlay; that it was a general obligation and should be borne by the whole town. The bond was used to correct a drainage issue on Mendon Road that had existed for many years. There were salt charges that were added to the cost of the bond. Police details amounted to \$65,000. That's a public safety issue and the whole town should be responsible for that. The group believes there is a general responsibility for the town when any sewer project

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occurs. Right Sewers feels they have presented documentation showing that the cost of asphalt repaving has been backed out of prior projects.

Mr. Yazbak commented that the town's fund balances are nowhere near where they may have been ten or fifteen years ago when some agreements may have been made to remove the cost of paving from a sewer district. There is no general fund right now that can absorb repavement. Also, the town cannot use lease purchase money that was used in the past to do street overlay because lenders want something tangible to repossess in case of default. Mr. Yazbak said the town could potentially spread the cost amongst all sewer users; however, there are people who will complain that they have been paying their assessment for twenty years and why should they pay

for yours.

Mr. Thurber wondered if assessments from new projects such as Dowling Village and Marshfield Commons could be applied to assist the sewer users in IA and IB.

Mr. Yazbak had the idea of possibly coupling the cost of the overlay with other roads that need to be paved. Maybe there is a chance of putting something on the November 2012 ballot for a road improvement plan if the townspeople so choose.

Mr. Yazbak added that sewers are important because eighty to ninety percent of homeowners in town have well water. If there is no proper mitigation of wastewater, there will be tainted wells.

It was suggested that perhaps Mr. McGee, Mr. Zwolenski, members of Right Sewers, a Sewer Commission member and members of the Administration could meet to try to come up with some plan that can be brought back to the Council.

Another member of Right Sewers, Diane Wojcik, stated most of the roads in Phase I were in deplorable condition and repaving should have been taken care of by the town. She felt the project should not have been done if there was no money.

ORDINANCE REVIEW COMMITTEE

Town Planner Robert Ericson worked with Mrs. Hamilton and Mr. Zwolenski on a draft resolution which he provided this evening. The name was changed to the Ordinance Development Committee and recommended changes are:

- The Town Council now has a member.**
- Board and commission delegates are selected by their respective bodies. The Town Council does not also appoint them. The Town Council appoints its own delegate and the two public members.**
- The Town Council member serves as chair, the Planning Board member as vice-chair. The ODC elects a member as secretary to provide administrative self-sufficiency.**
- The Town Planner provides technical support and a draft document repository.**
- The ODC reports to the Town Council, not the Town Planner.**
- Quarterly reports replace 60-day reports.**
- Remove references to “override”.**

MOTION by Mr. Zwolenski, seconded by Mrs. Charest, and voted unanimously on an aye vote to have the Town Solicitor review the resolution and any comments or suggestions from Council members can be relayed to either Mr. Ericson or Mr. Nadeau.

Mr. Zwolenski noted that although he would be happy to serve as Chairperson, per the resolution, he may not be able to attend all of the meetings due to employment obligations.

Mr. Nadeau suggested that the Council may want to confirm the appointments made by the various boards.

RESOLUTION RE: ALLOCATION OF CERTAIN TAX REVENUES

Mr. Yazbak had drafted a resolution requesting enabling legislation to allow for the use of up to \$1,000,000 of the additional tax revenues

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derived from the Dowling Village project to offset the North Smithfield Middle School debt service.

Mr. Yazbak had heard from Representative Brian Newberry that any modification to S3050 was not being looked upon favorably. Representative Newberry did say that the legal counsel for the General Assembly did have some ideas and thought it might be helpful if Mr. Nadeau could speak with him.

Mr. Nadeau stated that S3050 provides an exemption for new construction, but in order to effectuate it, the town would need approval from the Department of Revenue. He feels it is something that should be explored.

MOTION by Mr. Zwolenski, seconded by Mrs. Charest, and voted unanimously on an aye vote to table this to February 22, 2011.

CAPITAL IMPROVEMENT AND FACILITY ADVISORY GROUP

This group has been working with Superintendent of Schools Stephen Lindberg and the School Committee. They are a group who advises on building needs, projects, technical assistance and building issues or proper services and materials. They also helped to develop, write and oversee the development and implementation of substantial projects such as the ESCO/PBC energy conservation projects.

The group is asking the Council to consider forming a Town/School Capital Improvement and Advisory Group that, among a number of other things, would develop a professional five-year capital plan.

There are a number of people with unique qualifications that have been recommended to become part of this group.

MOTION by Mr. Zwolenski, seconded by Mr. McGee, and voted unanimously on an aye vote to provide the framework presented by the Capital Improvement and Facility Advisory Group to the Town Solicitor for a resolution for either the February 22nd or March 7th meeting.

MARSHFIELD COMMONS SEWER & WATER SERVICE

It was noted that the Sewer Commission, in their minutes of December 15, 2010, had recommended approval to the Town Council for a sewer connection at Marshfield Commons as part of the

Ironstone Sewer District.

MOTION by Mrs. Charest and seconded by Mr. McGee to approve the request for sewer and water service for Marshfield Commons.

Mr. Yazbak asked what fees will be paid for the water and sewer connections.

Michael Connolly, Chairman of the Sewer Commission, explained that the commission did examine the technical capacity and the system does have the capacity to accept the flow. They also reviewed assessments. Based on the formula in the sewer ordinance, the fee for sewer connection is \$276,000 less an approximate credit of \$30,000 for a total of \$246,309.48.

The fee for water connection is \$3,000 per each of the 18 buildings.

Mr. Yazbak asked if the fees have been communicated to the people of Marshfield Commons and Mrs. Hamilton responded that they had.

Roll Call: Ms. Alves – yes; Mrs. Charest – yes; Mr. McGee – yes; Mr. Zwolenski – yes; and Mr. Yazbak – yes. The motion carried 5 to 0.

TAXATION OF OUT-OF-STATE MOTOR VEHICLES

Mr. Yazbak met with the Tax Assessor, the Police Chief and the Building Inspector to discuss out-of-state registrations. Tax

Assessor Chris Belair had visited two apartment/condo developments in an attempt to identify how extensive the problem may be. She found 66 cars with out-of-state plates. Unfortunately, license checks cannot be run through the police department but Mrs. Belair is working on a plan. Mr. Yazbak asked Mrs. Hamilton to work on a press release to at least let people know that it has been brought to the Council's

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attention and to the Administrator's attention and they are making it a priority to try and collect the taxes.

Mr. Nadeau did look at jurisdictional issues and this is an area where the town would have Municipal Court authority.

MOTION by Mrs. Charest, seconded by Mr. McGee, and voted unanimously on an aye vote to adjourn at 8:58 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk